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EXAMINER

CRANFORD, MICHAEL D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/755,857	Applicant(s) ERSKINE ET AL.	
	Examiner MICHAEL D. CRANFORD	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/28/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/12/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 28 July 2008.
2. Claims 2-16, 18-23, 27-28, 34-38, 40-41 and 43 have been amended.
3. Claim 1 has been canceled.
4. Claims 2-43 are currently pending and have been examined.
5. The rejections of claims 2-43 have been updated to reflect the amendments.

Applicant's arguments received on 28 July 2008 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

With regard to the limitations of claims 2-43 Applicant argues that Donner fails to anticipate that which is recited in any of the claims 2-43. Applicant further states that Donner's art is unrelated to the technical art relative to Applicants invention. Applicant continues argument by stating that the word "event" is used as defined in the current specification and in contrast to the event of Donner.

Examiner argues that amended claims 2-8 do not overcome Donner's art. Donner inherently discloses in column 7 lines 17-24.....driven by a widespread understanding of the Internet's capabilities, the power of electronic commerce, and advances in wireless technologies and devices, mobile commerce (m-commerce) is rapidly approaching the business forefront. According to independent research findings, m-commerce the conduct of business and services over portable, wireless devices will soon be a dominant force in business and society.

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Examiner argues that amended claims 9-14 do not overcome Examiner's rejections. It is commonly known in the telecommunications art that cell phone service connection is provided when cell phones roam and ultimately connect to service towers. Examiner respectfully maintains rejections based on this known fact.

Examiner argues that amended claims 15-43 do not overcome Examiner's rejections. Donner inherently discloses in column 34 lines 30-37....in alternative embodiments, the system determines the wireless device provider based on the address received from the wireless device, and is able to automatically determine the type of message and/or message constraints and transmission constraints associated therewith based for example, on real-time information or on pre-determined stored information on the device and/or communication system.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 2-43 are rejected under 35 U.S.C. 102(e) as being unpatentable over Donner (US 7,280,975 B1).

8. Claim 2:

Donner shown, discloses the following limitations:

- *event manager, independent of the serving switch and associated with the home service provider (see at least column 31 lines 38-41....trivia game can be played.....in this embodiment, for example, questions may be displayed on the television, Internet website, and the like, during the event, and viewers watching the television may respond to the questions as described above)*
- *responding to the event initiation command by initiating the accumulation of data characterizing the event (see at least column 31 lines 38-41....trivia game can be played.....in this embodiment, for example, questions may be displayed on the television, Internet website, and the like, during the event, and viewers watching the television may respond to the questions as described above)*
- *responding to an event termination command by terminating the accumulation of data characterizing the event, and for transmitting the accumulated event characterizing data (see at least column 42 lines 15-19....in alternative embodiments, all customers that have registered for the concessions service will receive an introductory message. Thus, customers that are not attending the game need only reply with a request to terminate the concessions service for that event and/or game)*
- *customer account manager of the home service provider in communication with the event manager for receiving the accumulated event characterizing data (see at least column 31 lines 38-41....trivia game can be played.....in this embodiment, for example, questions may be displayed on the television, Internet website, and the like, during the event, and viewers watching the television may respond to the questions as described above)*
- *customer database associated with the customer account manager for maintaining customer account records of the home service provider (see at least*

column 43 lines 57-59....in one embodiment of the invention, an Oracle or My SQL Database is used in connection with the present invention)

- *customer account manager is adapted for modifying the respective customer account record in the customer database on the basis of the accumulated event characterizing data (see at least column 32 lines 6-11....the system and method of the present invention will be updated so that the identifier can represent a dynamic seat assignment or other dynamic information, such as a general admission to an associated event, or other event and/or venue, including, for example, a restaurant, bar, and the like)*

9. Claim 3:

Donner shown, discloses the following limitations:

- *transmitting the event characterizing data to the customer account manager in batches at a frequency of less than twenty-four hours (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)*

10. Claim 4:

Donner shown, discloses the following limitations:

- *event manager is further adapted for transmitting the event characterizing data to the customer account manager immediately upon termination of the event (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)*

11. Claim 5:

Donner shown, discloses the following limitations:

- *event manager is adapted to receive the event initiation command and event termination command from the serving switch (see at least column 69 lines 34-38....finally, the notify () method allows a client to request as asynchronous notification when services matching a Service Template instance become available. This method uses Jini's distributed events mechanism, which extends Java's infrastructure for eventing across JVMs)*

12. Claim 6:

Donner shown, discloses the following limitations:

- *event manager is adapted to detect the event initiation command and the event termination command independent of the serving switch (see at least column 42 lines 15-19....in alternative embodiments, all customers that have registered for the concessions service will receive an introductory message. Thus, customers that are not attending the game need only reply with a request to terminate the concessions service for that event and/or game)*

13. Claim 7:

Donner shown, discloses the following limitations:

- *accumulated event characterizing data transmitted by the event manager is substantially duplicative of event characterizing data accumulated and transmitted by the serving switch (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)*

14. Claim 8:

Donner shown, discloses the following limitations:

- *filter in communication with the customer account manager for preventing delivery of accumulated event characterizing data transmitted by the serving switch and intended for receipt by the customer account manager if the event manager has already transmitted accumulated event characterizing data to the customer account manager (see at least column 28 lines 34-39....a protocol conversion system for different wireless devices is provided by the present invention for sending an/or receiving messages, such as upgrade offers, responses, acceptances, and the like, from a variety of different users/mobile and wireless systems)*

15. Claim 9:

Donner shown, discloses the following limitations:

- *detecting event initiation and termination commands at a serving switch within the telecommunications network with respect to a roaming customer of a home service provider (see at least column 31 lines 38-41....trivia game can be played.....in this embodiment, for example, questions may be displayed on the television, Internet website, and the like, during the event, and viewers watching the television may respond to the questions as described above)*
- *detecting the event initiation and termination commands at an event manager associated with the home service provider (see at least column 69 lines 34-38....finally, the notify () method allows a client to request as asynchronous notification when services matching a Service Template instance become available. This method uses Jini's distributed events mechanism, which extends Java's infrastructure for eventing across JVMs)*
- *initiating and terminating the event by the serving switch in response to the event initiation and termination commands (see at least column 42 lines 15-19....in alternative embodiments, all customers that have registered for the concessions service will receive an introductory message. Thus, customers that are not*

attending the game need only reply with a request to terminate the concessions service for that event and/or game)

- *accumulating event-characterizing data by each of the event manager and the serving switch during the event* (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)
- *forwarding the accumulated event-characterizing data, by the event manager, to a customer account manager associated with the home service provider after event termination* (see at least column 151 lines 22-24....in another embodiment, the database is optionally partitioned for specific games and/or initiatives)
- *forwarding the accumulated event-characterizing data, by the serving carrier, to the customer account manager after event termination*(see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)
- *forwarding the accumulated event- characterizing data by the serving carrier occurs subsequent to receipt of the event-characterizing data from the event manager at the customer account manager* (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)

Donner shown, discloses the following limitations:

- *rating the event by the customer account manager upon receipt of the accumulated event-characterizing data from the event manager (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patrons)*
- *updating customer-specific account characteristics in a customer database by the customer account manager on the basis of the accumulated event-characterizing data from the event manager (see at least column 32 lines 6-11....the system and method of the present invention will be updated so that the identifier can represent a dynamic seat assignment or other dynamic information, such as a general admission to an associated event, or other event and/or venue, including, for example, a restaurant, bar, and the like)*

17. Claim 11:

Donner shown, discloses the following limitations:

- *forwarding the event-characterizing data from the event manager comprises forwarding the event-characterizing data in batches (see at least column 32 lines 6-11....the system and method of the present invention will be updated so that the identifier can represent a dynamic seat assignment or other dynamic information, such as a general admission to an associated event, or other event and/or venue, including, for example, a restaurant, bar, and the like)*

18. Claim 12:

Donner shown, discloses the following limitations:

- *forwarding the event-characterizing data from the event manager comprises forwarding the event-characterizing data immediately upon event termination (see at least column 33 lines 57-62....the present invention can then optionally*

send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)

19. Claim 13:

Donner shown, discloses the following limitations:

- *preventing the serving switch event-characterizing data from reaching the customer account manager if the event manager event- characterizing data has already been received by the customer account manager* (see at least column 513 lines 65-67the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation)

20. Claim 14:

Donner shown, discloses the following limitations:

- *preventing further comprises storing the serving switch event-characterizing data for purposes other than for customer account management* (see at least column 151 lines 22-24....in another embodiment, the database is optionally partitioned for specific games and/or initiatives)

21. Claim 15:

Donner shown, discloses the following limitations:

- *subscriber database comprised of individual subscriber records, each providing data relevant to the respective subscriber account* (see at least column 513 lines 65-67the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions)

- *balance manager in communication with the subscriber database for receiving data characterizing events chargeable to a subscriber (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions)*
- *rating the received event characterizing data according to rating data from the subscriber database (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patrons)*
- *modifying the respective subscriber record in the subscriber database on the basis of the rated data, and for providing subscriber record data upon request (see at least column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation)*
- *treatment handler in communication with the balance manager for determining whether a subscriber is subject to pre-event processing before and real-time monitoring during an event or whether a subscriber is subject to post-event monitoring (see at least column 15 lines 20-26....the second pre-determined criteria optionally includes the event customer willing to pay at least one of a predetermined price and the highest price, and wherein the method further comprises the step of billing the event customer in at least reallocating, reprovisioning, upgrading and awarding in accordance with the second predetermined criteria)*

- *event manager in communication with the balance manager and the treatment handler for selectively authorizing an event subject to pre-event processing before and real-time monitoring during an event or subject to post-event monitoring (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions)*

22. Claim 16:

Donner shown, discloses the following limitations:

- *subscriber database, balance manager, event manager, and treatment handler are adapted to perform post-event monitoring through receiving event-characterizing data by the balance manager subsequent to event termination (see at least column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation)*
- *rating the event-characterizing data upon receipt at the balance manager, modifying the respective subscriber record in the subscriber database by the balance manager on the basis of the rated event-characterizing data, and subsequently analyzing the modified subscriber record by the treatment handler (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patron)*

23. Claim 17:

Donner shown, discloses the following limitations:

- *treatment handler is further adapted to perform post-event monitoring through analysis of the modified subscriber record with respect to predefined business*

rules stored in conjunction with the treatment handler (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patron)

24. Claim 18:

Donner shown, discloses the following limitations:

- *treatment handler is further adapted to perform post-event monitoring by determining whether further events chargeable to the respective subscriber record are subject to post-event monitoring or are subject to pre- event processing and real-time monitoring (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patron)*

25. Claim 19:

Donner shown, discloses the following limitations:

- *subscriber database, balance manager and event manager are adapted to perform pre-event processing and real-time monitoring through the provision of subscriber record data from the subscriber database to the event manager via the balance manager and the accumulation of event-characterizing data by the event manager during the event (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates*

the income generated periodically in each account; and performs the individual record-keeping and reporting operation)

26. Claim 20:

Donner shown, discloses the following limitations:

- *balance manager and event manager are further adapted to perform pre-event processing and real-time monitoring through the provision of accumulated event-characterizing data from the event manager to the balance manager subsequent to the event (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation)*

27. Claim 21:

Donner shown, discloses the following limitations:

- *balance manager and subscriber database are further adapted to rate the event-characterizing data upon receipt at the balance manager add to modify the respective subscriber record in the subscriber database on the basis of the rated event-characterizing data for subscribers subject to pre-event processing and real-time monitoring (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patron)*

28. Claim 22:

Donner shown, discloses the following limitations:

- *treatment handler is adapted to determine whether to authorize a subscriber-requested event subject to pre-event processing before and real-time monitoring during an event or subject to post-event monitoring on the basis of one or more metrics selected from the group consisting of cash balance, credit balance, debt balance, applicable rate plan, home or roaming status, payments due, and credit rating (see at least column 160 line 35-39....the patron can register in advance that they want to receive upgrades by providing their name, message address, e.g., email, telephone text message address, etc., and optionally their credit card or other payment mechanism for upgrades that actually cost money as opposed to free upgrades)*

29. Claim 23:

Donner shown, discloses the following limitations:

- *treatment handler is further adapted to perform post-event monitoring through the establishment of a treatment identifier which, when analyzed by the event manager upon receipt of a subsequent event initiation request (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)*
- *identifies whether the respective subscriber is subject to post-call monitoring or pre-call processing and real-time monitoring (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)*

30. Claim 24:

Donner shown, discloses the following limitations:

- *payment portal associated with the balance manager for enabling real-time modification of a subscriber account (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions)*

31. Claim 25:

Donner shown, discloses the following limitations:

- *balance manager is responsive to a modification of a subscriber account in the subscriber database, initiated by the payment portal, by sending a signal to the treatment handler (see at least column 32 lines 6-11....the system and method of the present invention will be updated so that the identifier can represent a dynamic seat assignment or other dynamic information, such as a general admission to an associated event, or other event and/or venue, including, for example, a restaurant, bar, and the like)*

32. Claim 26:

Donner shown, discloses the following limitations:

- *treatment handler is responsive to receipt of the signal from the balance manager by analyzing the modified subscriber record with respect to predefined business rules stored in conjunction with the treatment handler (see at least column 164 lines 57-62....a protocol conversion system for different wireless devices is provided by the present invention for sending and/or receiving messages, such as upgrade offers, responses, acceptances, and the like, from a variety of different users/mobile devices and wireless systems)*

33. Claim 27:

Donner shown, discloses the following limitations:

- *treatment handler analysis of the modified subscriber record is for determining whether further events chargeable to the respective subscriber record are subject to post-event monitoring or are subject to pre- event processing and real-time monitoring (see at least column 32 lines 6-11....the system and method of the present invention will be updated so that the identifier can represent a dynamic seat assignment or other dynamic information, such as a general admission to an associated event, or other event and/or venue, including, for example, a restaurant, bar, and the like)*

34. Claim 28:

Donner shown, discloses the following limitations:

- *treatment handler is further adapted to perform pre-event processing and real-time monitoring through the establishment of a treatment identifier which, when analyzed by the event manager upon receipt of a subsequent event initiation request (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event customer, the communication including a request to obtain admittance to at least one event, the communication also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request)*
- *identifies whether the respective subscriber is subject to post-call monitoring or pre- call processing and real-time monitoring (see at least column 14 lines 46-55....determining a pre-determined time period associated with the event indicative of another event customer from event customers not attending the event in accordance with first predetermined criteria, releasing an allocation associated with the other event customer and notifying at least one of the event customers that are at least one of the currently attending the event and registered for the at least one of reallocating, reprovisioning, upgrading)*

35. Claim 29:

Donner shown, discloses the following limitations:

- *messaging agent in communication with the treatment handler for the selective delivery of a message to a subscriber (see at least column 25 lines 40-45....for example, if Verizon Wireless is a sponsor of the upgrade system for a particular stadium, the present invention will still work with, for example AT&T, SPRINT, and CINGULAR customers. An advertisement message sent with the upgrade offer may read on the AT&T phone, "brought to you by Verizon Wireless")*

36. Claim 30:

Donner shown, discloses the following limitations:

- *messaging agent is comprised of a database of predetermined messages selectable by the treatment handler for delivery to a subscriber according to a treatment handler analysis of the respective subscriber account (see at least column 25 lines 1-5....in an alternative embodiments, the system, after having identified which patrons have checked in to the stadium and/or have been upgraded, transmits a trivia question and/or additional advertisements to all patrons attending the game)*

37. Claim 31:

Donner shown, discloses the following limitations:

- *messaging agent is adapted for incorporating data provided by the treatment handler in a selected predetermined message for delivery to a subscriber (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically*

in each account; and performs the individual record-keeping and reporting operation...information can be electronically submitted to account owner)

38. Claim 32:

Donner shown, discloses the following limitations:

- *messaging agent is adapted to deliver a message in a medium selected from the group consisting of text, graphics and audio (see at least column 56 lines 32-37....in addition, the system advantageously and optionally provides the feature of allowing patrons to text message one another directly, and/or exchange pictures via wireless email, text messaging, and other wireless devices that provide the standard capability of exchanging pictures, such as T Mobile and/or Sprint)*

39. Claim 33:

Donner shown, discloses the following limitations:

- *messaging agent is adapted to deliver a message immediately upon being instructed by the treatment handler or at a future time (see at least column 26 lines 32-37....the present invention may also be used in a security, defense and/or safety setting to direct patrons in a stadium for an orderly evacuation or notify patrons regarding status of a safety related event via, for example, a broadcast message including text message, email and the like)*

40. Claim 34:

Donner shown, discloses the following limitations:

- *analyzing data characteristic of a subscriber account at a treatment handler with respect to predetermined values available thereto for determining if a subsequent subscriber-initiated event is to be subject to pre-event processing and real-time monitoring (see at least column 14 lines 46-55....determining a pre-determined time period associated with the event indicative of another event customer from event customers not attending the event in accordance with first predetermined*

criteria, releasing an allocation associated with the other event customer and notifying at least one of the event customers that are at least one of the currently attending the event and registered for the at least one of reallocating, reprovisioning, upgrading)

- *subsequent subscriber-initiated event is to be subject to post-event monitoring* (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patron)
- *establishing a treatment identifier reflective of the treatment handler analysis* (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions.....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation...information can be electronically submitted to account owner)

41. Claim 35:

Donner shown, discloses the following limitations:

- *receiving an event initiation request from a subscriber to the telecommunications service plan at an event manager* (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event customer, the communication including a request to obtain admittance to at least one event, the communication also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request)

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- *referring to the respective treatment identifier, by the event manager, for determining whether the subscriber event is subject to pre-event processing and real-time monitoring or if the event is subject to post-event monitoring (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)*

42. Claim 36:

Donner shown, discloses the following limitations:

- *treatment indicator indicates to the event manager that the event is subject to pre- event processing and real-time monitoring (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)*
- *retrieving data from a respective subscriber record maintained by a balance manager in an associated subscriber database, by the event manager, for determining if the subscriber record data is sufficient to authorize event initiation (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event customer, the communication including a request to obtain admittance to at least one event, the communication also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request)*

43. Claim 37:

Donner shown, discloses the following limitations:

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- *authorizing event initiation by the event manager in response to determining the subscriber record data is sufficient* (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event customer, the communication including a request to obtain admittance to at least one event, the communication also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request and authorization)
- *monitoring the event in real-time subsequent to event initiation* (see at least column 33 lines 57-62.....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)

44. Claim 38:

Donner shown, discloses the following limitations:

- *sending event-related data to the balance manager by the event manager subsequent to event termination* see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions.....see also column 514 lines 1-5.....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation)
- *rating the event-related data by the balance manager* (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patron)

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- *updating the respective subscriber account by the balance manager on the basis of the rated event-related data (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event customer, the communication including a request to obtain admittance to at least one event, the communication also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request)*

45. Claim 39:

Donner shown, discloses the following limitations:

- *identifying, by the treatment handler, one of a set of predetermined messages associated with a messaging agent (see at least column 25 lines 1-5....in an alternative embodiments, the system, after having identified which patrons have checked in to the stadium and/or have been upgraded, transmits a trivia question and/or additional advertisements to all patrons attending the game)*
- *instructing, by the treatment handler, the messaging agent to deliver the identified message (see at least column 25 lines 40-45....for example, if Verizon Wireless is a sponsor of the upgrade system for a particular stadium, the present invention will still work with, for example AT&T, SPRINT, and CINGULAR customers. An advertisement message sent with the upgrade offer may read on the AT&T phone, "brought to you by Verizon Wireless")*

46. Claim 40:

Donner shown, discloses the following limitations:

- *authorizing event initiation if the treatment indicator indicates to the event manager that the event is subject to post-event monitoring (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event*

customer, the communication including a request to obtain admittance to at least one event, the communication also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request and authorization)

47. Claim 41:

Donner shown, discloses the following limitations:

- *sending event-related data to the balance manager by the event manager subsequent to event termination* (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation...information can be electronically submitted to account owner and or others)
- *rating the event-related data by the balance manager* (see at least column 98 lines 31-36.....these ratings may then be taken into account in the algorithm for future seat assignments, re-allocations, and/or upgrades in the future for the first and second patrons, and all other patrons will now benefit with the additional profile information of the first and second patron)
- *updating the respective subscriber account by the balance manager on the basis of the rated event-related data* (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event customer, the communication including a request to obtain admittance to at least one event, the communication

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also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request)

- *indicating to the event manager, by the balance manager, that the respective account has been modified* (see at least column 14 lines 35-42.....the method includes the sequential, no-sequential and sequence independent steps of receiving a communication from the event customer, the communication including a request to obtain admittance to at least one event, the communication also including an identifier associated with an identification device, updating an account associated with the identifier to reflect the request)

48. Claim 42:

Donner shown, discloses the following limitations:

- *receiving a payment from a subscriber at a payment portal associated with the balance manager* (see at least column 52 lines 47-50...if the patron accepts, payment of money or other means may be effectuated on the spot via the wireless device, credit card, debit card, and the like, and the patron may now move to the other seat)
- *subscriber is subject to pre-call processing and real- time monitoring, notifying the treatment handler of a change in the subscriber account* (see at least column 32 lines 6-11....the system and method of the present invention will be updated so that the identifier can represent a dynamic seat assignment or other dynamic information, such as a general admission to an associated event, or other event and/or venue, including, for example, a restaurant, bar, and the like)

49. Claim 43:

Donner shown, discloses the following limitations:

- *re-analyzing data characteristic of the subscriber account by the treatment handler for determining if a subsequent subscriber-initiated event is again to be subject to pre-event processing and real-time monitoring* (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation...information can be electronically submitted to account owner)
- *subsequent subscriber-initiated event is to be subject to post-event monitoring* (see at least column 33 lines 57-62....the present invention can then optionally send statistics throughout the game or event to the patron with the patron requesting, for example, at specific time intervals or after notable achievements during the event, such as a home run, touch down, half time)
- *establishing a treatment identifier reflective of the treatment handler re-analysis* (see at least column 513 lines 65-67.....the central computer contains storage space for data relating to transactions that are in process; processes all purchase and redemption transactions....see also column 514 lines 1-5....conducts the management information reporting operation and the period-by-period performance monitoring operation; calculates the income generated periodically in each account; and performs the individual record-keeping and reporting operation...information can be electronically submitted to account owner)

FINAL CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONCLUSION

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Michael D. Cranford** whose telephone number is **571-270-3106**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Thomas Dixon** can be reached at **571-272-6803**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark**

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/ Michael Cranford / Examiner / Art Unit 3696/

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

December 15, 2008